REMARKS

Claims 1-15 are pending in this application. The Examiner rejected Claims 1-15 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,287,853 to Vester et al. ("the Vester patent"). By this amendment, Applicants have amended Claims 1, 7 and 13. Reconsideration of the application, as amended, is respectfully requested.

I. REJECTION OF CLAIMS 1-15 UNDER 35 U.S.C. § 102(b)

The Examiner rejected Claims 1-15 under 35 U.S.C. § 102(b) as being anticipated by the Vester patent. In view of the above claim amendments and the following discussion, Applicants respectfully traverse this rejection. Although Applicants respectfully submit that the claims as previously pending are patentably distinguished over the Vester patent, Applicants have amended the claims herein in order to clarify the patentably distinguishing features of Applicants' inventions.

A. Claim 1

Focusing in particular on Claim 1 and the embodiment shown in Figure 13, a device comprising an information generator 458 provides information to a pulse oximetry monitor 150. The information generator 458 is configured to simulate information expected by the pulse oximetry monitor 150. The simulated information is provided to the pulse oximetry monitor 150 on a signal path connectable to a monitor output lead 156 used for communicating a driving signal from the pulse oximetry monitor 150.

The Vester patent discloses an adapter cable for connecting a pulsoximetry sensor unit to a medical measuring device. The medical measuring device provides driving signals to the pulsoximetry sensor unit on terminals C1 and C2 which are respectively connected to terminals B1 and B2 of the adapter cable. The adapter cable includes a classification resistor R7 and a compensating resistor R3 for providing information, such as sensor class and wavelength of diode, to the medical measuring device. The information is provided at terminals B7 and B5 of the adapter cable which are respectively connected to terminals C7 and C5 of the medical measuring device. Thus, the medical measuring device of the Vester patent uses different terminals and signal paths for providing the driving signals and for receiving information.

Because the reference cited by the Examiner does not disclose, teach or suggest providing simulated information to a pulse oximetry monitor on a signal path connectable to a monitor

output lead used for communicating a driving signal, Applicants assert that Claim 1 is not anticipated by the Vester patent. Applicants therefore respectfully submit that Claim 1 is patentably distinguished over the cited reference and Applicants respectfully request allowance of Claim 1.

B. Claims 2-6

Claims 2-6, which depend from Claim 1, are believed to be patentable for the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein.

C. Claim 7

Claim 7 is directed to a device configured to provide information to a pulse oximetry monitor. The device comprises an information generator configured to simulate information expected by the pulse oximetry monitor. The simulated information is provided to the pulse oximetry monitor on a monitor lead that is also used for communicating an intensity signal to the pulse oximetry monitor.

The Vester patent discloses a medical measuring device with different terminals for receiving information (e.g., terminals C5 and C7) and an intensity signal (e.g., terminal C3). Accordingly, Applicants assert that Claim 7 is not anticipated by the Vester patent. Applicants therefore respectfully submit that Claim 7 is patentably distinguished over the cited reference and Applicants respectfully request allowance of Claim 7.

D. Claims 8-12

Claims 8-12, which depend from Claim 7, are believed to be patentable for the same reasons articulated above with respect to Claim 7, and because of the additional features recited therein.

E. Claim 13

Claim 13 is directed to a method of communicating expected information regarding a sensor to an oximeter monitor. The method includes simulating the expected information and providing the expected information to the oximeter monitor on a signal line connected to a monitor lead that is also usable for making measurements.

Because the Vester patent does not disclose, teach or suggest providing expected information to an oximeter monitor on a signal line connected to a monitor lead that is also used for making measurements, Applicants assert that Claim 13 is not anticipated by the cited reference. Applicants therefore respectfully submit that Claim 13 is patentably distinguished over the cited reference and Applicants respectfully request allowance of Claim 13.

F. Claims 14 and 15

Claims 14 and 15, which depend from Claim 13, are believed to be patentable for the same reasons articulated above with respect to Claim 13, and because of the additional features recited therein.

II. CONCLUSION

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved. Also, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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